

U.S. Patent Application Serial No. 10/506,683
Amendment filed September 17, 2009
Reply to OA dated June 26, 2009

REMARKS

Claims 1-12 are pending in this application. Claim 5 is canceled without prejudice or disclaimer, claims 1, 6 and 8-12 are amended, and claim 13 is newly added herein. Upon entry of this amendment, claims 1-4 and 6-13 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

Claims 5-12 are objected to under 37 CFR 1.75(c) as being in improper form because [of] multiple dependent claim 3. (Office action paragraph no. 1)

The objection is overcome by the amendments to the claims.

Claim 5 has been canceled without prejudice or disclaimer. Claim 6 has been amended to depend from claim 1 or 2, deleting the dependence from multiple-dependent claim 3. Claims 8 to 12 have been amended to be singly dependent claims.

Claims 1-2 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vail 1216022 in view of Xardell 1564658. (Office action paragraph no. 3)

Reconsideration of the rejection is respectfully requested in view of the clarifying amendment to claim 1 to recite: “a flexible tubular main body which can be disposed by crushing in a lengthwise direction.” Support for this amendment may be found, for example in paragraph [0012] of the published application (page 7, lines 15-21), disclosing that “since the tubular main body of the container is flexible, after the contents of the container have been used up, the container can be disposed of by crushing the tubular main body.” This is illustrated Fig. 3, in which tubular main body (1) is shown crushed in the lengthwise direction.

The Examiner assigns the elements of Vail as corresponding to the elements of claim 1, as follows:

<u>Claim 1</u>	<u>Vail '022</u>
container; tubular main body	barrel body 134
ring-shaped rim frame	annular horizontal projecting portion 148
	top ring 109
bottom plate	bottom 149; brace member 150
ring-shaped trunk section frame	ring 144; revoluble ring 143
first engaging projections	springs 174; cover 172
downwardly ext. engaging wall	downturned ends; bolts 152

The Examiner states that Vail does not disclose the bottom plate having a plurality of second engaging projections which are formed a prescribed positions integrally with bottom plate, and 2) the device being made of plastic. Xardell is cited as disclosing that a container bottom may be further strengthened by a double bottom plate configuration, citing Xardell's peripheral edge 17 and upturned lip 13 as formed with sheet of steel 15 and thin sheet of copper (bottom of tank), including bolts 19. The

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Examiner states that it would have been obvious to modify the bottom of the container of Vail with a double bottom peripheral edge lipped bottom with bolts, so as to provide a strong bottom and to permit securement of the bottom to a base. The Examiner also states that it would have been obvious to have made the device from a plastic material.

In arguing against the rejection, Applicant notes that the Examiner assigns of barrel body 134 as the tubular main body of claim 1, top ring 109 as the ring-shaped rim frame, and bottom 149 as the bottom.

However, Vail's brace member 150 is a brace across the bottom of the barrel and is separate from bottom 149. It appears that this is a linear brace. Applicant submits that **brace member 150 does not correspond to any component in claim 1**. This is significant, since the Examiner cites the downward ends 151 of brace member 150 as being the downwardly extending engaging wall in claim 1.

It is clear that downward ends 151 of brace member 150 are **not** integrally formed with bottom 149 in Vail. Note that the brace member 150 is shown with different shading than bottom 149 in Vail's Fig. 3. In addition, as noted above, Vail's brace member 150 appears to be a linear brace, which would **not be consistent with the recitation of claim 1** that this be "formed integrally with the outer circumferential edge of the bottom plate." That is, as shown in Fig. 1 of the present application, the engaging wall 7 must be along the circumference.

The Examiner cites Vail's springs 174 and cover 172 as the first engaging projections of claim 1. However, these elements in Vail are not integral with top ring 109, and therefore **not consistent with the recitation of claim 1** that the “first engaging portions are formed integrally with said ring-shaped frame”

The Examiner cites Xardell to provide the “second engaging projections.” The Examiner does not clearly state which portion of Xardell are considered to correspond to the second engaging projections, and it appears that the Examiner may consider bolts 19 in Xardell to be the second engaging projections.

However, Xardell's bolts 19 are **not** “formed... integrally with the bottom plate.” It is, in fact, impossible for such bolts to be formed integrally with the bottom plate, since they are separate members which penetrate the double bottom (see page 1, line 66).

With regard to the Examiner's contention that it would have been obvious to modify the bottom of Vail with a double bottom structure as in Xardell, Applicant notes that Vail discloses a barrel for ashes and garbage (see title), while Xardell discloses a tank for washing machines or the like (page 1, line 10). Xardell's tank is bolted to a base (page 1, lines 64-68) due to its use in a washing machine. By contrast, Vail's barrel is clearly **not** intended to be permanently attached to a base. Therefore, there is **no suggestion or motivation** in either reference for using the bottom structure of Xardell's tank in Vail's barrel. Each of these inventions clearly has a bottom designed for its own particular function.

Moreover, Applicant respectfully disagrees with the Examiner's contention that it would be obvious to make the item out of plastic. Applicant submits that there is not a general motivation in the art to make

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the bottoms of washing machine tanks out of plastic, and in particular, there is no motivation to use integral plastic bolts to bolt the bottoms of washing machine tanks to a base.

To summarize, Applicant has presented the following arguments against the stated *prima facie* case of obviousness:

- 1) There is no motivation to modify Vail's bottom based on Xardell.
- 2) Vail does not show a downwardly extending engaging wall that is circumferential.
- 3) Vail does not show a downwardly extending engaging wall that is integral with the bottom plate.
- 4) There is no suggestion or motivation to make Xardell's bolts out of plastic or to have them be integral with the bottom plate.

Moreover, neither Vail nor Xardell discloses or suggests a container that can be disposed in a reduced volume by crushing it in a lengthwise direction, as recited in the amendment to claim 1. That is, the container of claim 1 can be disposed of compactly after the contained material is used up. Consequently, waste processing can be easily performed and the volume of the waste material can be easily reduced. And the environmental load can be also reduced.

Claims 1 and 2, as well as the dependent claims, are therefore not obvious over Vail and Xardell, taken separately or in combination.

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Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Office action paragraph no. 4)

Reconsideration of the objection is respectfully requested. Applicant has argued above against the rejection of base claims 1 and 2.

Regarding new claim 13.

New claim 13 depends from claim 1, and further recites that a plurality of first engaging projections are formed integrally with said ring-shaped rim frame in a projecting member **toward an outer side** at prescribed intervals. Support for this amendment may be found in Fig. 14, where first engaging portions 25 may be seen to project toward the outer side of ring-shaped rim frame 22.

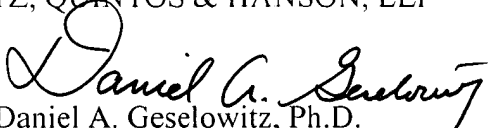
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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